

Legend: (Proposed Amendment)

Single Underline = Proposed new language

[Bold Print and Brackets] = Current language proposed for deletion

Regular Print = Current language

(No change.) = No changes are being considered for the designated subdivision

§169.41. Purpose. **[Introduction]**

The purpose of these rules is to establish standards regarding the care of animals in circuses, carnivals, and zoos which will promote humane conditions for these animals and public health and safety.

§169.42. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Act - Occupations Code, 2152, **[Texas Civil Statutes Article 4447v]** the legislative authority for these rules.

[(2) Animal – Any live, warm-blooded animal which is used for exhibition purposes; except domestic farm animals used for food and fiber.]

(2) **[3]** Board – Texas Board of Health.

(3) **[4]** Commissioner – Commissioner of the Texas Department of Health.

(4) **[5]** Department – Texas Department of Health (TDH).

(5) **[6]** Housing facility – Any room, building, or area used to contain a primary enclosure or enclosures.

(6) **[7]** Primary enclosure – Any structure used to immediately restrict an animal or animals to a limited amount of space, such as a room, pen, run, cage, compartment or hutch.

(7) **[8]** Sanitize - To make physically clean and to destroy disease-producing agents.

(8) **[9]** Zoonosis Control Division (ZCD) – Division **[of the Bureau of Veterinary Public Health]** of the Texas Department of Health to which the responsibility for implementing these rules is **[as]** assigned.

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§169.43. Facilities for Housing the Animals.

(a) - (b) (No change.)

(c) Outdoor holding facilities shall:

(1) (No change.)

(2) provide adequate shelter to protect animals from any form of overheating, direct rays of the sun, [or] cold or inclement weather, and direct effects of wind, rain, or snow;

(3) - (5) (No change.)

(d) - (i) (No change.)

§169.44. Transportation of Animals.

(a) Primary enclosure construction. All compartments, transport cages, cartons, or crates shall be constructed **[in]** such **[a manner]** that:

(1) - (8) (No change.)

(b) - (c) (No change.)

§169.45. Food and Water Requirements.

(a) Each live animal shall be fed a sufficient quantity of food at least once in each 24-hour period unless there are special instructions given by a licensed veterinarian. The food shall be free from contamination, wholesome, palatable, and of sufficient quality and nutritive value to meet the normal requirements for the condition and size of the animal(s).

(b) Potable water shall be provided at all times or at least twice daily for periods of not less than one hour, except as directed by a licensed veterinarian [every 12 hours].

§169.46. Care in Transit.

The carrier, driver, or other employee shall be responsible to:

(1) - (3) (No change.)

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(4) provide shade to protect the live animal when sunlight is likely to cause overheating or discomfort in such a manner that the surrounding air temperature should not fall below 50 degrees Fahrenheit (10 degrees Celsius) [7.2 degrees Celsius (45 degrees Fahrenheit)] nor be allowed to exceed 85 degrees Fahrenheit (29.5 degrees Celsius) [29.5 degrees Celsius (85 degrees Fahrenheit)]; and

(5) (No change.)

§169.47. Licenses.

(a) - (f) (No change.)

(g) Any facility that does not meet required standards will not be licensed by the TDH [Denial, suspension, and revocation. The basis an actions will be as outlined in Texas Civil Statutes Article 4447v, §9; Texas Civil Statutes Article 6252-13a, §§13-20; and the board’s formal hearing procedures, §§1.21-1.32 of this title (relating to Formal Hearing Procedures)].

§169.48. State Inspection Agents.

Each agent inspecting [employed to inspect] circuses, carnivals, or zoos under Occupations Code, 2152 [Texas Civil Statutes Article 4443, §8], will be approved [certified] by the director, Zoonosis Control Division.